

Appl. No. 09/914,524
Atty. Docket No. 7489
Amtd. dated September 2, 2003
Reply to Office Action of June 2, 2003
Customer No. 27752

REMARKS

Claims 12 - 21 are pending in the present application. No additional claims fee is believed to be due.

Claims 1-11 are canceled without prejudice.

In addition, new Claims 12-21 have been added. Support for these claims are found as follows:

Claim 12: at page 7, line 22- page 8, line 6; page 8, lines 20-24; page 10, lines 1-9 of the specification.

Claim 13: at page 6, lines 5-12 of the specification.

Claim 14: at page 10, lines 1-9 of the specification.

Claim 15: at page 11, lines 9-14 of the specification.

Claim 16: at page 7, line 22- page 8, line 6 of the specification.

Claim 17: at page 9, lines 1-3 of the specification.

Claim 18: at page 9, lines 4-8 of the specification.

Claim 19: at page 9, lines 9-13 of the specification.

Claim 20: at page 12, line 25 - page 13, line 2 of the specification.

Claim 21: at page 21, lines 14-28 of the specification.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Claim Objections

Claims 6, 8, and 10 are objected to because of informalities in the claim language. As applicants have amended the claims, please refer to now pending claims 12-21.

Rejection Under 35 USC 112, Second Paragraph

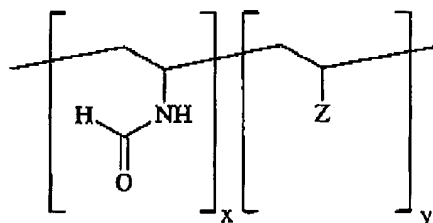
The Office Action States Claims 8-10 are rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter of the present invention.

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Applicants have canceled without prejudice Claims 8-10. However, Applicants have addressed any comments for Claims 8-10 in new Claims 12-21.

Rejection Under 35 USC 102 Over JP 61-031499

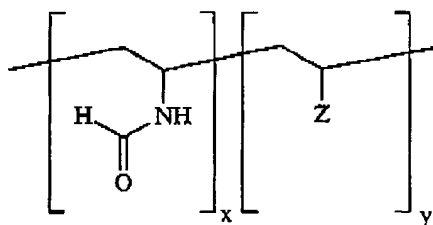
The office action has rejected Claims 1-5 and 9 under 35 U.S.C. § 102(b) as being anticipated by JP 61-031499. Applicants submit that as amended, JP 61-031499 fails to teach each and every element of the claimed invention of the present application. Specifically, that JP 61-031499 does not teach a dye maintenance co-polymer having the general formula:



and therefore the rejection under 35 U.S.C. § 102(b) should be withdrawn.

Rejection Under 35 USC 102 Over WO 99/05248

The office action has rejected Claims 1-10 under 35 U.S.C. § 102(a) as being anticipated by WO 99/05248. Applicants submit that as amended, WO 99/05248 fails to teach each and every element of the claimed invention of the present application. Specifically, that WO 99/05248 does not teach a dye maintenance co-polymer having the general formula:



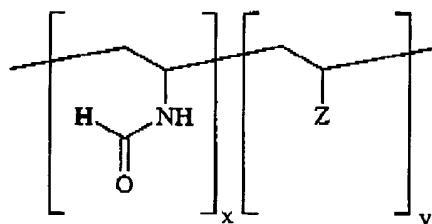
and therefore the rejection under 35 U.S.C. § 102(b) should be withdrawn.

Rejection Under 35 USC 102 Over EP 0 754 748

The office action has rejected Claims 1, 4, 5, and 9-11 under 35 U.S.C. § 102(b) as being anticipated by EP 0 754 748. Applicants submit that as amended, EP 0 754 748 fails to teach

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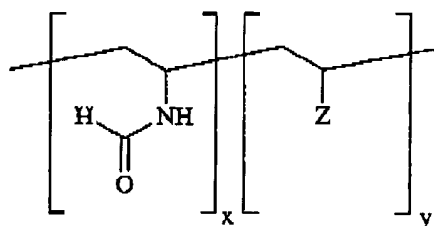
each and every element of the claimed invention of the present application. Specifically, that EP 0 754 748 does not teach a dye maintenance co-polymer having the general formula:



and therefore the rejection under 35 U.S.C. § 102(b) should be withdrawn.

Rejection Under 35 USC 102 Over GB 2,104,091

The office action has rejected Claims 1-7, 9 and 11 under 35 U.S.C. § 102(b) as being anticipated by GB 2,104,091. Applicants submit that as amended, GB 2,104,091 fails to teach each and every element of the claimed invention of the present application. Specifically, that GB 2,104,091 does not teach a dye maintenance co-polymer having the general formula:

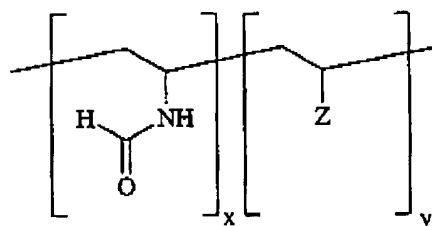


and therefore the rejection under 35 U.S.C. § 102(b) should be withdrawn.

Rejection Under 35 USC 102 Over US 4,418,011

The office action has rejected Claims 1-9 and 11 under 35 U.S.C. § 102(b) as being anticipated by US 4,418,011. Applicants submit that as amended, US 4,418,011 fails to teach each and every element of the claimed invention of the present application. Specifically, that US 4,418,011 does not teach a dye maintenance co-polymer having the general formula:

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and therefore the rejection under 35 U.S.C. § 102(b) should be withdrawn.

Double Patenting

Claims 1-11 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 10 of co-pending application 09/914,525.

Applicants agree to submit a terminal disclaimer if and when granted subject matter for this application is granted.

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Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejection under 35 U.S.C. §112, second paragraph, 102(a) and (b), and judicially created doctrine of obvious-type double patenting. Early and favorable action in the case is respectfully requested. If, prior to allowance, any outstanding issues exist, Applicants' attorney would welcome the opportunity to resolve such issues via a phone interview.

Applicants have made an earnest effort to place their application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, Applicants respectfully request reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 12-21.

Respectfully submitted,

Rajans Keshav Panadiker, et al.

By 

Laura R. Grunzinger
Attorney for Applicant(s)
Registration No. 47,616
(513) 627-1888

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